

CAPTION: Docket No. 2008-0375-MWD-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gulf Coast Waste Disposal Authority in Harris County; RN102183340; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Bryan Sinclair)

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0375-MWD-E TCEQ ID: RN102183340 CASE NO.: 35475
RESPONDENT NAME: Gulf Coast Waste Disposal Authority

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Blackhawk Regional WWTP which includes a collection system, located at 3902 West Bay Areas Boulevard on the northeast bank of Clear Creek, approximately three miles southeast of the City of Friendswood and three miles southwest of Interstate Highway 45 at the NASA One Road exit, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 18, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Charles Ganze, General Manager, Gulf Coast Waste Disposal Authority, 910 Bay Area Boulevard, Houston, Texas 77058 Ms. Lori Gernhardt, Manager of General Operations, Gulf Coast Waste Disposal Authority, 910 Bay Area Boulevard, Houston, Texas 77058 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 12, 2007</p> <p>Date of NOV/NOE Relating to this Case: January 11, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>Failure to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, seven unauthorized discharges of wastewater were reported from July 2006 through October 2007 [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(4), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011571001, Permit Conditions No. 2.g].</p>	<p>Total Assessed: \$7,810</p> <p>Total Deferred: \$1,562 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$6,248</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On July 8, 2006, removed the sludge from the ground and returned it to the digester, replaced all decant cables with stainless steel cables, and disinfected the ground around the pump pad with dry chlorine;</p> <p>b. On December 13, 2006, replaced the transformer at the lift station and disinfected the area with dry chlorine;</p> <p>c. On December 29, 2006, repositioned the air pump that had been putting a strain on the air tubing on the wet well level measuring system (air bubbler) and disinfected the area with dry chlorine;</p> <p>d. On December 30, 2006, replaced the air tubing on the wet well level measuring system (air bubbler) and disinfected the area with dry chlorine;</p> <p>e. On March 31, 2007, opened the gates of the ultra violet light channel, returning the remaining wastewater in the storage basin to the head of the plant for subsequent treatment, and held a standard operating procedure training session for personnel;</p> <p>f. On July 23, 2007, opened the flow control gates to the sand filter, re-trained operators on the proper protocol for sand filter service, and disinfected the area around the channel with dry chlorine; and</p> <p>g. On October 18, 2007, repaired the sump pump and disinfected the area with dry chlorine.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): WQ0011571001

Attachment A
Docket Number: 2008-0375-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Gulf Coast Waste Disposal Authority
Payable Penalty Amount:	Six Thousand Two Hundred Forty-Eight Dollars (\$6,248)
SEP Amount:	Six Thousand Two Hundred Forty-Eight Dollars (\$6,248)
Type of SEP:	Pre-approved
Third-Party Recipient:	Galveston Bay Foundation-"Marsh Mania"
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. **Project Description**

A. Project

The Respondent will contribute to Galveston Bay Foundation "Marsh Mania" in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Galveston Bay Foundation and the Texas Commission on Environmental Quality*. SEP monies will be used to restore shoreline elevations, growing plants for shoreline restoration, and planting new habitat. Historic subsidence and erosion have resulted in shoreline elevations which are too low to support vegetation. This project will seek to raise elevations by scraping and terracing. Scraping involves the use of earthmoving equipment to grade an eroded, bluff-like shoreline so that it slopes gradually towards the water resulting in the ability of plant growth. Terracing uses earthmoving equipment to create small levees by burrowing and stacking sediment in shallow water. The high elevation can then be planted with emergent vegetation. SEP monies will be used to pay for the direct costs of the implementation of the project, including material, equipment, and labor costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing food and shelter for a variety of native fish, shellfish, birds, and mammals. The marshes will also result in the reduction of pollution by filtering particulates and excess nutrients from runoff. In addition, the new habitat will protect shorelines from erosion and will help reduce the effects of flooding.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Mr. Bob Stokes, President
Galveston Bay Foundation
17234-A Highway 3
Wester, Texas 77598

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	14-Jan-2008	Screening	28-Feb-2008	EPA Due	
	PCW	28-Feb-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Gulf Coast Waste Disposal Authority
Reg. Ent. Ref. No.	RN102183340
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35475	No. of Violations	1
Docket No.	2008-0375-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Heather Brister
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	12% Enhancement	Subtotals 2, 3, & 7	\$360
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Notes The Respondent was issued two Notices of Violations ("NOVs") for violations that are same or similar, and one NOV for a violation that is considered not to be same or similar.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$750
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent achieved compliance by December 30, 2006, by making the necessary repairs and cleaning and disinfecting the affected areas.

Total EB Amounts	\$5	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$2,138	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,610
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-38%	Adjustment	-\$1,000
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended reduction for discharges of 100 gallons or less.

Final Penalty Amount	\$1,610
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,610
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DEFERRAL	20% Reduction	Adjustment	-\$322
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY	\$1,288
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Screening Date 28-Feb-2008

Docket No. 2008-0375-MWD-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 2 (September 2002)

Case ID No. 35475

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN102183340

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 12%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent was issued two Notices of Violations ("NOVs") for violations that are same or similar, and one NOV for a violation that is considered not to be same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 12%

Screening Date	28-Feb-2008	Docket No.	2008-0375-MWD-E	PCW	
Respondent	Gulf Coast Waste Disposal Authority	<small>Policy Revision 2 (September 2002)</small>			
Case ID No.	35475	<small>PCW Revision January 29, 2008</small>			
Reg. Ent. Reference No.	RN102183340				
Media [Statute]	Water Quality				
Enf. Coordinator	Heather Brister				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(4), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0011571001, Permit Conditions 2.g.				
Violation Description	Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, three unauthorized discharges occurred from the collection system, as documented during the November 12, 2007 investigation and as described in the attached table.				
Base Penalty				\$10,000	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Major	Moderate	Minor		
	Actual	Potential	Percent	10%	
	X				
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
					0%
Matrix Notes	Human health or the environment was exposed to insignificant amounts of pollutants which exceeded levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment				\$9,000	
				\$1,000	
Violation Events					
Number of Violation Events		3	Number of violation days		
		17			
<small>mark only one with an x</small>	daily		Violation Base Penalty		
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	X			
Three single events are recommended.					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$5	Violation Final Penalty Total		
			\$1,610		
This violation Final Assessed Penalty (adjusted for limits)			\$1,610		

Economic Benefit Worksheet

Respondent Gulf Coast Waste Disposal Authority
 Case ID No. 35475
 Reg. Ent. Reference No. RN102183340
 Media Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,138	13-Dec-2006	30-Dec-2006	0.0	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to make necessary repairs, conduct additional training, and clean and disinfect the affected areas.
 Date Required is the date the first unauthorized discharge and Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,138

TOTAL

\$5

VIOLATION TABLE
Gulf Coast Waste Disposal Authority
TPDES Permit No. WQ0011571001
Docket No. 2008-0375-MWD-E

Date	Location	Amount Discharged (gallons)	Description
7/8/2006	Blackhawk Regional WWTP	75	The cable used to raise and lower the decant pipe in the No. 3 digester broke and the decant pipe fell into the digester, causing the digester solids to enter the sump faster than the decant pumps could pump solids back into the plant, resulting in an unauthorized discharge of wastewater sludge
12/13/2006	Collection System, Bay Area Blvd. and FM 528	2,000	Due to a bad phase relay on a pump, an overflow occurred at a manhole onto the road and into a storm drain to Clear Creek
12/29/2006	Collection System, Bay Area Blvd. and FM 528	20	Due to pinched tubing on the wet well level sensor, the lift pumps failed to start, resulting in an overflow from a manhole onto the road and into a storm drain to Clear Creek
12/30/2006	Collection System, Bay Area Blvd. and FM 528	2,500	Due to defective tubing on the wet well level sensor, the lift pumps failed to start, resulting in an overflow from a manhole onto the road and into a storm drain to Clear Creek
3/31/2007	Blackhawk Regional WWTP	18,000	After routine maintenance of the ultra-violet ("UV") lights, the gates feeding the UV light channels were left closed, which allowed water untreated by UV light to back up and eventually overflow into an unused basin, into the effluent channel, and into Clear Creek
7/23/2007	Blackhawk Regional WWTP	500	All three inlet gates at the sand filter were left closed when at least one should have remained opened, causing the influent channel to fill and overflow onto the plant site
10/18/2007	Blackhawk Regional WWTP	500	As a result of a power outage due to a pump electrical line shorting out and burning, an overflow occurred from the sand filter onto the plant site



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	14-Jan-2008	Screening	28-Feb-2008	EPA Due	
	PCW	5-May-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Gulf Coast Waste Disposal Authority		
Reg. Ent. Ref. No.	RN102183340		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	35475	No. of Violations	1
Docket No.	2008-0375-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Heather Brister
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	12% Enhancement	Subtotals 2, 3, & 7	\$1,200
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Notes: The Respondent was issued two Notices of Violations ("NOVs") for violations that are same or similar, and one NOV for a violation that is considered not to be same or similar.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$2,500
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	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent achieved compliance by October 18, 2007 by making the necessary repairs and cleaning and disinfecting the affected area.

Total EB Amounts	\$391	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$6,112	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,700
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-29%	Adjustment	-\$2,500
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction for discharges of 100 gallons or less.

Final Penalty Amount	\$6,200
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STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty	\$6,200
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DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20%	Reduction	Adjustment	-\$1,240
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Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$4,960
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Screening Date 28-Feb-2008

Docket No. 2008-0375-MWD-E

PCW

Respondent Gulf Coast Waste Disposal Authority

Policy Revision 2 (September 2002)

Case ID No. 35475

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN102183340

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 12%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent was issued two Notices of Violations ("NOVs") for violations that are same or similar, and one NOV for a violation that is considered not to be same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 12%

Screening Date 28-Feb-2008 Respondent Gulf Coast Waste Disposal Authority Case ID No. 35475 Reg. Ent. Reference No. RN102183340 Media [Statute] Water Quality Enf. Coordinator Heather Brister Violation Number 1	Docket No. 2008-0375-MWD-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision January 29, 2008</i>																									
Rule Cite(s) 30 Tex. Admin. Code § 305.125(4), Tex. Water Code § 26.121(a), and TPDES Permit No. WQ0011571001, Permit Conditions 2.g																										
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Base Penalty \$10,000																										
>> Environmental, Property and Human Health Matrix																										
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> <th style="width: 30%;"></th> </tr> </thead> <tbody> <tr> <td>Release</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="4"></td> <td> Percent 25% </td> </tr> </tbody> </table>		Major	Moderate	Minor		Release					Actual			x		Potential									Percent 25%
	Major	Moderate	Minor																							
Release																										
Actual			x																							
Potential																										
				Percent 25%																						
>> Programmatic Matrix																										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> <th style="width: 30%;"></th> </tr> </thead> <tbody> <tr> <td>Falsification</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="4"></td> <td> Percent 0% </td> </tr> </tbody> </table>		Major	Moderate	Minor		Falsification														Percent 0%					
	Major	Moderate	Minor																							
Falsification																										
				Percent 0%																						
Matrix Notes	Human health or the environment was exposed to insignificant amounts of pollutants which exceeded levels that are protective of human health or environmental receptors as a result of the violation.																									
Adjustment \$7,500																										
\$2,500																										
Violation Events																										
<table style="width: 100%;"> <tr> <td style="width: 40%;">Number of Violation Events</td> <td style="width: 10%; text-align: center;">4</td> <td style="width: 10%; text-align: center;">467</td> <td style="width: 40%;">Number of violation days</td> </tr> </table>		Number of Violation Events	4	467	Number of violation days																					
Number of Violation Events	4	467	Number of violation days																							
mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </tbody> </table>	daily		monthly		quarterly		semiannual		annual		single event	x													
daily																										
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annual																										
single event	x																									
Violation Base Penalty \$10,000																										
Four single events are recommended.																										
Economic Benefit (EB) for this violation																										
Statutory Limit Test																										
Estimated EB Amount	\$391																									
Violation Final Penalty Total \$6,200																										
This violation Final Assessed Penalty (adjusted for limits) \$6,200																										

Economic Benefit Worksheet

Respondent Gulf Coast Waste Disposal Authority
Case ID No. 35475
Reg. Ent. Reference No. RN102183340
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$6,112	8-Jul-2006	18-Oct-2007	1.3	\$391	n/a	\$391

Notes for DELAYED costs

Estimated cost to make necessary repairs, conduct additional training, and clean and disinfect the affected areas.
Date Required is the date the first unauthorized discharge and Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,112

TOTAL

\$391

Compliance History

Customer/Respondent/Owner-Operator: CN600126163 Gulf Coast Waste Disposal Authority Classification: AVERAGE Rating: 1.28
Regulated Entity: RN102183340 BLACKHAWK REGIONAL WWTP Classification: AVERAGE Site Rating: 0.24

ID Number(s):	WASTEWATER	PERMIT	WQ0011571001
	WASTEWATER	PERMIT	TPDES0069728
	WASTEWATER	PERMIT	TX0069728
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HX2765P
	AIR NEW SOURCE PERMITS	PERMIT	45942
	STORMWATER	PERMIT	TXR05M526
	WASTEWATER LICENSING	LICENSE	WQ0011571001

Location: 3902 WEST BAY AREA BOULEVARD, WHICH INCLUDES A
COLLECTION SYSTEM LOCATED AT WEST BAY AREA
BOULEVARD AND FARM-TO-MARKET ROAD 528, HARRIS
COUNTY, TEXAS.

Rating Date: September 01 07
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: February 08, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: February 08, 2003 to February 08, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Heather Brister Phone: (254) 761-3048

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. if Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- | | |
|--|-----|
| A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. | N/A |
| B. Any criminal convictions of the state of Texas and the federal government. | N/A |
| C. Chronic excessive emissions events. | N/A |
| D. The approval dates of investigations. (CCEDS Inv. Track. No.) | |
- | | | |
|----|------------|----------|
| 1 | 02/21/2003 | (196103) |
| 2 | 03/20/2003 | (26104) |
| 3 | 03/20/2003 | (196106) |
| 4 | 04/14/2003 | (196111) |
| 5 | 05/20/2003 | (196115) |
| 6 | 06/16/2003 | (196119) |
| 7 | 07/14/2003 | (196123) |
| 8 | 08/21/2003 | (311500) |
| 9 | 08/28/2003 | (151475) |
| 10 | 09/18/2003 | (311502) |
| 11 | 10/15/2003 | (311504) |
| 12 | 10/16/2003 | (311507) |
| 13 | 11/18/2003 | (311505) |
| 14 | 12/15/2003 | (311506) |
| 15 | 02/20/2004 | (311489) |
| 16 | 03/17/2004 | (311491) |
| 17 | 04/20/2004 | (311492) |
| 18 | 05/20/2004 | (311494) |
| 19 | 06/14/2004 | (311498) |
| 20 | 06/21/2004 | (311496) |
| 21 | 08/20/2004 | (358626) |
| 22 | 09/20/2004 | (358627) |
| 23 | 09/20/2004 | (358630) |
| 24 | 10/15/2004 | (358628) |
| 25 | 11/15/2004 | (358629) |

26	12/13/2004	(385459)
27	02/14/2005	(385455)
28	02/14/2005	(385457)
29	02/14/2005	(385458)
30	03/23/2005	(385456)
31	05/16/2005	(444291)
32	08/16/2005	(444293)
33	08/19/2005	(444296)
34	09/14/2005	(444294)
35	09/16/2005	(449412)
36	09/21/2005	(444292)
37	10/14/2005	(444295)
38	11/16/2005	(474793)
39	12/14/2005	(474794)
40	02/14/2006	(474789)
41	03/16/2006	(474790)
42	03/16/2006	(474791)
43	03/16/2006	(474792)
44	05/24/2006	(502492)
45	06/16/2006	(502493)
46	08/17/2006	(524817)
47	08/23/2006	(524819)
48	08/23/2006	(524820)
49	09/18/2006	(524818)
50	11/15/2006	(583857)
51	12/15/2006	(583858)
52	02/21/2007	(583851)
53	03/21/2007	(583852)
54	04/20/2007	(583853)
55	05/18/2007	(583854)
56	06/18/2007	(583855)
57	07/17/2007	(583856)
58	09/04/2007	(604068)
59	09/14/2007	(604069)
60	10/17/2007	(604070)
61	10/17/2007	(604071)
62	01/11/2008	(610071)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	03/18/2003	(26104)		
Self Report?	NO		Classification:	Moderate
Citation:	TWC Chapter 26 26.121(a)(1)			
Description:	Failure to prevent unauthorized discharge of wastewater from the collection system.			

Date:	04/22/2005	(373551)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(9)			
Description:	Failure to submit noncompliance notifications.			

Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(4)			
	30 TAC Chapter 305, SubChapter F 305.125(5)			
	TWC Chapter 26 26.121			
	TWC Chapter 26 26.121(a)			
	TWC Chapter 26 26.121(a)(1)			
	TWC Chapter 26 26.121(a)(2)			
	TWC Chapter 26 26.121(a)(3)			
	TWC Chapter 26 26.121(b)			
	TWC Chapter 26 26.121(c)			
	TWC Chapter 26 26.121(d)			
	TWC Chapter 26 26.121(e)			
Description:	Failure to prevent the unauthorized discharge of wastewater and sludge.			

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter C 319.302(b)(3)
Description: Failure to report an unauthorized discharge of 100,000 gallons or more to the media.

Date: 09/16/2005 (449412)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

F. Environmental audits.	N/A
G. Type of environmental management systems (EMSs).	N/A
H. Voluntary on-site compliance assessment dates.	N/A
I. Participation in a voluntary pollution reduction program.	N/A
J. Early compliance.	N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GULF COAST WASTE DISPOSAL
AUTHORITY
RN102183340

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0375-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Gulf Coast Waste Disposal Authority ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant which includes a collection system, located at 3902 West Bay Area Boulevard on the northeast bank of Clear Creek, approximately three miles southeast of the City of Friendswood and three miles southwest of Interstate Highway 45 at the NASA One Road exit in Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 16, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Seven Thousand Eight Hundred Ten Dollars (\$7,810) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Six Thousand Two Hundred Forty-Eight Dollars (\$6,248) of the administrative penalty shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP") and One Thousand Five Hundred Sixty-Two Dollars (\$1,562) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On July 8, 2006, removed the sludge from the ground and returned it to the digester, replaced all decant cables with stainless steel cables, and disinfected the ground around the pump pad with dry chlorine;
 - b. On December 13, 2006, replaced the transformer at the lift station and disinfected the area with dry chlorine;
 - c. On December 29, 2006, repositioned the air pump that had been putting a strain on the air tubing on the wet well level measuring system (air bubbler) and disinfected the area with dry chlorine;
 - d. On December 30, 2006, replaced the air tubing on the wet well level measuring system (air bubbler) and disinfected the area with dry chlorine;
 - e. On March 31, 2007, opened the gates of the ultra violet light channel, returning the remaining wastewater in the storage basin to the head of the plant for subsequent treatment, and held a standard operating procedure training session for personnel;
 - f. On July 23, 2007, opened the flow control gates to the sand filter, re-trained operators on the proper protocol for sand filter service, and disinfected the area around the channel with dry chlorine; and
 - g. On October 18, 2007, repaired the sump pump and disinfected the area with dry chlorine.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(4), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011571001, Permit Conditions No. 2.g, as documented during an investigation conducted on November 12, 2007. Specifically, seven unauthorized discharges of wastewater were reported from July 2006 through October 2007, as shown in the following table:

VIOLATION TABLE			
Date	Location	Amount Discharged (gallons)	Description
7/8/2006	Blackhawk Regional WWTP	75	The cable used to raise and lower the decant pipe in the No. 3 digester broke and the decant pipe fell into the digester, causing the digester solids to enter the sump faster than the decant pumps could pump solids back into the plant, resulting in an unauthorized discharge of wastewater sludge onto the plant site
12/13/2006	Collection System, Bay Area Blvd. and FM 528	2,000	Due to a bad phase relay on a pump, an overflow occurred at a manhole onto the road and into a storm drain to Clear Creek
12/29/2006	Collection System, Bay Area Blvd. and FM 528	20	Due to pinched tubing on the wet well level sensor, the lift pumps failed to start, resulting in an overflow from a manhole onto the road and into a storm drain to Clear Creek
12/30/2006	Collection System, Bay Area Blvd. and FM 528	2,500	Due to defective tubing on the wet well level sensor, the lift pumps failed to start, resulting in an overflow from a manhole onto the road and into a storm drain to Clear Creek
3/31/2007	Blackhawk Regional WWTP	18,000	After routine maintenance of the ultra-violet ("UV") lights, the gates feeding the UV light channels were left closed, which allowed water untreated by UV light to back up and eventually overflow into an unused basin, into the effluent channel, and into Clear Creek
7/23/2007	Blackhawk Regional WWTP	500	All three inlet gates at the sand filter were left closed when at least one should have remained opened, causing the influent channel to fill and overflow onto the plant site
10/18/2007	Blackhawk Regional WWTP	500	As a result of a power outage due to a pump electrical line shorting out and burning, an overflow occurred from the sand filter onto the plant site

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Gulf Coast Waste Disposal Authority, Docket No. 2008-0375-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Two Hundred Forty-Eight Dollars (\$6,248) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

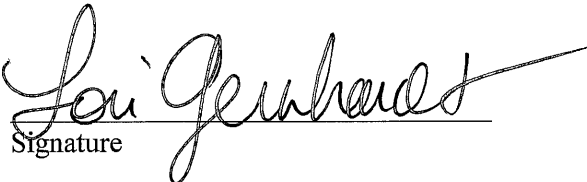
8/8/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

6-9-08
Date

Lori Gernhardt

Name (Printed or typed)
Authorized Representative of
Gulf Coast Waste Disposal Authority

Manager of General Operations

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2008-0375-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Gulf Coast Waste Disposal Authority
Payable Penalty Amount:	Six Thousand Two Hundred Forty-Eight Dollars (\$6,248)
SEP Amount:	Six Thousand Two Hundred Forty-Eight Dollars (\$6,248)
Type of SEP:	Pre-approved
Third-Party Recipient:	Galveston Bay Foundation-"Marsh Mania"
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Galveston Bay Foundation "Marsh Mania" in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Galveston Bay Foundation and the Texas Commission on Environmental Quality*. SEP monies will be used to restore shoreline elevations, growing plants for shoreline restoration, and planting new habitat. Historic subsidence and erosion have resulted in shoreline elevations which are too low to support vegetation. This project will seek to raise elevations by scraping and terracing. Scraping involves the use of earthmoving equipment to grade an eroded, bluff-like shoreline so that it slopes gradually towards the water resulting in the ability of plant growth. Terracing uses earthmoving equipment to create small levees by burrowing and stacking sediment in shallow water. The high elevation can then be planted with emergent vegetation. SEP monies will be used to pay for the direct costs of the implementation of the project, including material, equipment, and labor costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing food and shelter for a variety of native fish, shellfish, birds, and mammals. The marshes will also result in the reduction of pollution by filtering particulates and excess nutrients from runoff. In addition, the new habitat will protect shorelines from erosion and will help reduce the effects of flooding.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Mr. Bob Stokes, President
Galveston Bay Foundation
17234-A Highway 3
Wester, Texas 77598

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

